Social Services Appeal Board of Saskatchewan

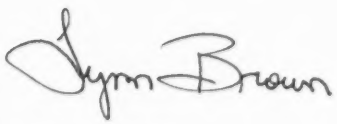
Annual Report 2005 - 2006

Letter of Transmittal

Honourable Buckley Belanger
Minister of Community Resources

Dear Mr. Belanger:

I hereby respectfully submit the Annual Report of the Social Services Appeal Board for the one year period ending March 31, 2006.



Lynn Brown
Chairperson

Preface

The Annual Report, presented to the Minister of Community Resources provides a description of the Social Services Appeal Board, its mandate, development and procedures, and a summary of the nature of appeals heard by the Board during the year April 1, 2005 to March 31, 2006.

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Introduction

The ***Social Services Appeal Board*** is an independent tribunal whose role is to determine if clients have been treated fairly and in accordance with the Saskatchewan Assistance Regulations.

Legal authority is provided by the *Department of Social Services Act R.S.D. 1978, Section 10; The Saskatchewan Assistance Act R.S.S. 1966, Section 14(m)(n), 15-18; the Saskatchewan Assistance Regulations, Section 43.*

Appeals to the ***Social Services Appeal Board*** are considered the final step in a three tiered appeal process established under the regulations. The first level of appeal is to the Regional Director and any dissatisfied client may appeal to this level. Once the Regional Director has taken a decision, the client has the option of continuing with the appeal should he/she be dissatisfied with the decision. Client appeals to the second level are arranged by the Regional Director and are heard by a Regional Appeal Committee. Depending on the decision of the Regional Appeal Committee, either the client or the Regional Director may choose to continue the appeal to the third and final level, the ***Social Services Appeal Board.***

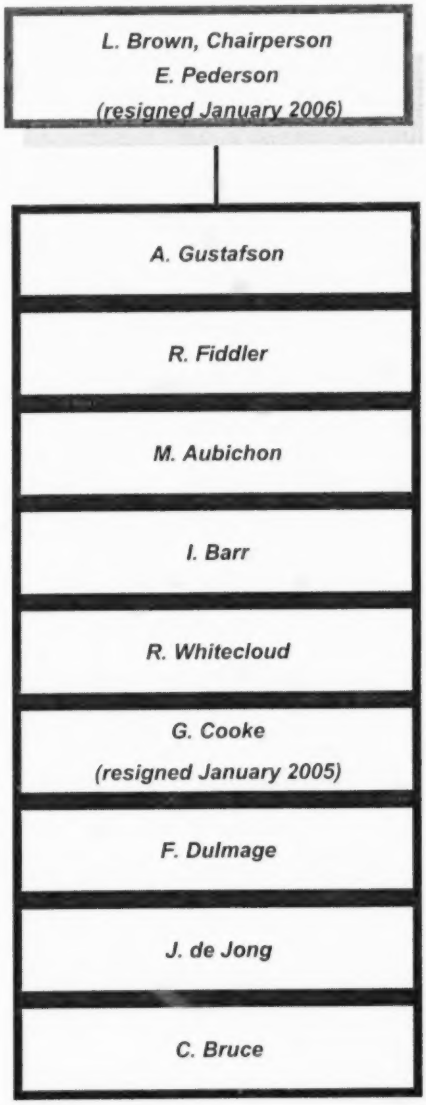
The decision of the provincial board is final, unless it is not in accordance with the law. Clients and the department may appeal to the Court of Queen's Bench. Clients may also request an independent review by the Ombudsman who will investigate the case. The Ombudsman cannot change the decision of the board, however, he may investigate the matter and advise the board if he believes the claim to be substantiated.

Members of the Board
2005 - 2006

Chairperson and Board Members are independent of the Department of Community Resources. Appointments are made by Minister's Order.

Gloria Edwards is the appeal co-ordinator in Regina.

Yvonne Brandsema is the appeal co-ordinator in Saskatoon.



Location of Hearings

Regional hearings are held by Regional Appeal Committees in the major centres in each region. Provincial hearings are held in Regina and Saskatoon, usually with a panel of four to six persons. A quorum is three members.

The chairperson attends all appeal hearings and writes the decisions which are conveyed in writing to clients, usually within one week of the hearings. As part of the decision, the client is always advised of the rationale behind the board's decision.

Board members consider themselves obliged to adhere to the Saskatchewan Assistance Regulations but believe they have some flexibility in dealing with the internal policy guidelines.

The board has access to outside legal counsel and on occasion seeks advice regarding decisions.

Chairperson's Comments

The 2005 - 2006 annual report of the Social Services Appeal Board is available on-line at **www.cr.gov.sk.ca/publications/annualreports/appeal board/ssappealboard 2005.06.pdf.**

In 2005 - 2006 the board received176 appeal requests. This is 47 less than in 2004 - 2005. Thirteen requests were denied and 10 requests were withdrawn. Twenty-nine meetings were held in Regina and 27 in Saskatoon.

Decisions favoured clients in 26% of the cases.

The majority of cases continues to relate to Section 6(1)(b) of the Saskatchewan Assistance Regulations . During the course of even the most straight forward 6(1)(b) appeal, the board often hears about other concerns.

Transitional Employment Allowance appeals (16) are included in these numbers. These appeals are conducted by telephone and the process appears to be working. Board members are becoming more skilled with the new format and clients appear more comfortable. This type of appeal has increased by 13 since the 2004 – 2005 Annual Report.

Table 1 - Statistics
Number of Regional and Provincial Appeals
(2000 - 2001 to 2005 - 2006)

	Regional	Provincial
2000 - 2001	397	135
2001 – 2002	416	137
2002 – 2003	502	171
2003 – 2004	586	222
2004 - 2005	565	223
2005 – 2006	457	176

Table 2 - Regional Appeals Location and Disposition 2005 - 2006 Summary by Region

Region	Decision in Favour of Client	Decision in Favour of Director	Total
Southwest	20	111	131
Southeast	3	18	21
Centre	34	128	162
Northeast	11	52	63
Northwest	3	80	83
Total	**71**	**389**	**460**

Note: Totals may not balance because one appeal may result in more than one decision.

Table 3 - Provincial Appeals
Source of Provincial Appeals.
2005 - 2006

Region	Appealed by Client	Appealed by Director	Total
Southwest	62	12	74
Southeast	9	3	12
Centre	19	8	27
Northeast	19	4	23
Northwest	26	2	28
Total	**135**	**29**	**164**

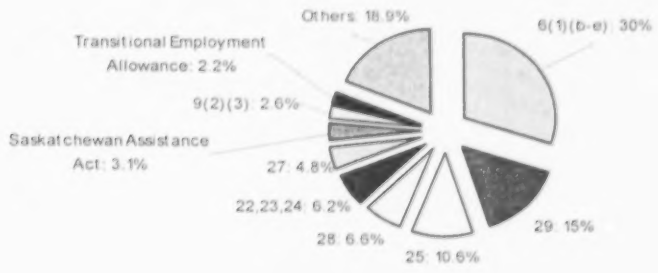
Note: 13 requests for appeals were denied
10 appeals were withdrawn
Some cases were appealed by both client and director

Table 4 - Provincial Appeals
Summary by Region
2005 - 2006

Region	Client Sourced Appeals		Director Sourced Appeals	
	Decision for Client	Decision Against Client	Decision for Director	Decision Against Director
Southwest	9	47	3	10
Southeast	1	8	3	0
Centre	5	15	2	6
Northeast	5	14	3	2
Northwest	4	22	2	0
Total	**24**	**106**	**13**	**18**

The number of appeals received and the number of decisions is not equal due to denials, withdrawals and split decisions.

Table 5 - Social Services Appeal Board
Appeals by Reason
(segments represent the SAP Regulation appealed)



6(1)(b-e)	• Responsibilities of the recipient as a condition of eligibility
29	• Determining financial resources
25	• Established eligibility and amount of the following allowances: basic needs, shelter, utilities, personal, food
28	• Financial resources and exempt income
22,23,24	• Changes in the amount of assistance
27	• Special needs
Saskatchewan Assistance Act	• Section 2.9.3 & 29.5 - Overpayments and recovery of overpayments
9(2)(3)	• Method of determining a budget deficit or surplus
Transitional Employment Allowance	• Sec. 5 – Eligibility of applicant
Others	<u>Social Assistance Program</u> • Recipients responsibilities at application and while receiving assistance • Date assistance commences • Advising recipient of eligibility • Manner of payment <u>Transitional Employment Allowance</u> • Determining eligibility, need, exemption and amount of allowances provided

Table 6 - Appeal Board Meetings Provincial Appeals Heard in Regina and Saskatoon

2002–2003 to 2005-2006

	Regina Meetings	Cases Heard	Saskatoon Meetings	Cases Heard
2002 – 2003	28	75	28	75
2003 – 2004	27	89	33	108
2004 – 2005	30	79	32	103
2005 – 2006	29	77	27	78

Table 7 - The Provincial Ombudsman

Clients who are dissatisfied with the decision of the Social Services Appeal Board may also request a review by the Office of the Ombudsman. The Ombudsman cannot change the decision of the board, however, an investigation will be conducted and the board advised if the Ombudsman believes the complaint to be substantiated. In those cases the Department of Community Resources will also be advised. The Department may then initiate action which satisfies the client.

2005 - 2006

Cases Opened	Cases Closed	Not Substantiated	Substantiated & Rectified	Substantiated & Unresolved	Discontinued
10	12	5	1	0	5

Cases outstanding April 1, 2005: 15

Cases outstanding March 31, 2006: 12

The number of outstanding cases appears high. Cross referencing with the Office of the Ombudsman may reduce the numbers. Cross referencing in June 2006 found 5 of the 15 cases outstanding on March 31, 2005 had been closed and not substantiated in 2003.